

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAYMOND BALESTRA, individually and on behalf of all others similarly situated,

Plaintiff,

v.

ATBCOIN LLC, EDWARD NG, HERBERT W. HOOVER,

Defendants.

C.A. No 1:17-cv-10001

Hon. Vernon S. Broderick

**CLASS ACTION**

**LEAD PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT**

**PLEASE TAKE NOTICE** that that Court-appointed Lead Plaintiff Raymond Balestra (“Balestra” or “Lead Plaintiff”), on behalf of himself and the proposed settlement class, through Court-approved Lead Counsel Levi & Korsinsky, LLP, hereby moves this Court for an Order, pursuant to Federal Rules of Civil Procedure 23(a), (b)(3), and (e): (i) preliminarily approving the proposed settlement of this securities fraud class action (the “Settlement”); (ii) preliminarily certifying the settlement class for purposes of the Settlement; (iii) approving the form and manner of providing notice of the proposed Settlement to the settlement class; (iv) scheduling a date for the final settlement hearing; (v) appointing the Claims Administrator recommended by Lead Counsel to administer the Settlement; (vi) establishing procedures and a deadline for objecting to the terms of the Settlement, the proposed Plan of Allocation for the proceeds of the Settlement, and/or the requested attorneys’ fees and expenses; (vii) establishing procedures and a deadline for seeking exclusion from the settlement class; (viii) establishing procedures and a deadline for submitting claim forms for payments from the Settlement; and (ix) granting such other and further

relief as the Court may deem fair and proper. Defendants do not oppose the relief requested in this motion.

This motion is based on the accompanying Memorandum of Law in Support of Lead Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement, the Declaration of Donald J. Enright, dated April 10, 2020, and the Declaration of Raymond Balestra, dated April 1, 2020, with annexed exhibits each filed herewith. A proposed Order Granting Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement, which was negotiated by the Parties to the Settlement, with annexed exhibits, is also submitted herewith.

DATED: April 10, 2020

Respectfully,

**LEVI & KORSINSKY, LLP**

/s/ Adam M. Apton

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